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PAPER NUMBER

FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE 04/01/2004 Guillaume Bouche 02-GR1-262 6360 10/815,472 **EXAMINER** 23334 7590 11/29/2005 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI DOUGHERTY, THOMAS M

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2834

DATE MAILED: 11/29/2005

ART UNIT

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
		10/815,472	BOUCHE ET AL.	
(	Office Action Summary	Examiner	Art Unit	
		Thomas M. Dougherty	2834	•
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).				
Status				
1)⊠ Res	ponsive to communication(s) filed on O1 Ap	<u>oril 2004</u> .		
2a) This	action is FINAL. 2b) This	action is non-final.		
·—	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is			
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.				
Disposition o	f Claims			
4)  Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 1-20 are subject to restriction and/or election requirement.				
Application Papers				
9) <u></u> The :	specification is objected to by the Examiner	r.		
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.				
Priority unde	r 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.				
	eferences Cited (PTO-892)	4) Interview Summary (		
3) Information	raftsperson's Patent Drawing Review (PTO-948) Disclosure Statement(s) (PTO-1449 or PTO/SB/08) )/Mail Date	Paper No(s)/Mail Dai 5) Notice of Informal Pa 6) Other:		)-152)

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to a piezoelectric electronic component, classified in class 310, subclass 320.
- II. Claims 14-17, drawn to a circuit including a piezoelectric electronic component, classified in class 310, subclass 317.
- III. Claims 18 and 19, drawn to a filter component, classified in class 333, subclass 187.
- IV. Claims 20, drawn to a method of making a piezoelectric electronic component, classified in class 29, subclass 25.35.

Inventions of Group I and of Groups II and III are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a sensor or motive component, and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if

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the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Inventions of Groups I-III and Group IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process can be used to make a sensor or motive component.

Inventions of Group II and of Group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of Group III has separate utility such as an electro-mechanical filter component. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Direct inquiry to Examiner Dougherty at (571) 272-2022.

tmd

November 28, 2005

TOM DOUGHERTY